

Response Under 37 C.F.R. 1.116

Applicant: Spero Payton

Serial No.: 10/753,886

Filed: January 7, 2004

Docket No.: P298.101.101

Title: MANUAL SNOWPLOW WITH A WOODEN BLADE

REMARKS

This is responsive to the Final Office Action mailed November 20, 2006. In that Office Action, claims 2, 3, 5-15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 1,514,076 ("Brown") in view of Williamson, U.S. Patent No. 4,947,562 ("Williamson"), Rank, U.S. Patent No. 5,117,530 ("Rank"), and Fulton, U.S. Publication No. 2001/0045029 ("Fulton"). Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Williamson, Rank, and Fulton, and further in view of Hainer, U.S. Patent No. 5,779,293 ("Hainer"). Claims 2, 3, 5-15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shamblin, U.S. Patent No. 5,605,415 ("Shamblin") in view of Carrillo, U.S. Patent No. 4,449,845 ("Carrillo") and Rank. Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shamblin in view of Carrillo and Rank as applied to claim 17 above, and further in view of Hainer.

With this Response, claims have been not amended. Claims 2, 3, 5-15, 17, and 18 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §103 Rejections

With respect to the rejection of claim 17 based on Brown, it is respectfully submitted that Brown does not teach or suggest at least the limitation of a rigid wooden blade having a flat front face. As argued in the previous Response, the front face of the blade 1 of Brown is clearly curved, for example shown in FIG. 4. With respect to the Examiner's comment at paragraph 6 regarding this limitation, it is respectfully asserted that while Brown may disclose that the parts 3 and 5 of the Brown blade 1 may be flat, this does not teach the limitation of claim 17. The unambiguous meaning of the phrase "flat front face" is that the front face is just that, flat. The blade 1 of Brown, and in particular the curved part 2, is not flat such that the limitations of claim 17 are not met by Brown alone or in view of any of the other cited references. To alleviate any ambiguity, Applicant hereby confirms that the phrase "flat front face" of claim 17 entails that an entirety of the front face is flat. Further, because modifying Brown to provide a flat front face commensurate with claim 17 would render the Brown blade 1 unsatisfactory for its intended

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purpose, a requisite suggestion or motivation to modify Brown in accordance with claim 17 does not exist. For at least these reasons, then, it is respectfully submitted that claim 17 is allowable over Brown in view of Williamson, Rank, and Fulton.

With respect to the rejection of claim 17 based on Shamblin in view of Carrillo and Rank, it is respectfully submitted that Shamblin and Carrillo are non-analogous art, and thus cannot be used as the basis for an obviousness rejection. In order to qualify as analogous art, a reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); MPEP §2141.01(a). With these standards in mind, the methods of leveling poured concrete described in Shamblin and Carrillo are clearly not in the field of the present Applicant's endeavor, namely manual plowing of snow. Second, the Applicant's invention addresses the problem of repetitive scooping of shoveled snow as well as the costs associated with mechanical snowblowers. Concrete leveling, in contrast, does not entail repeated lifting or shoveling actions. Thus, Shamblin and Carrillo are not reasonable pertinent to the particular problem with which the Applicant was concerned. Thus, because Shamblin and Carrillo are non-analogous art, it is respectfully requested that the rejection of claim 17 based on Shamblin and Carrillo be withdrawn.

In addition, it is respectfully submitted that a requisite suggestion to modify the concrete leveling methods of Shamblin and Carrillo to move snow as taught by Rank does not exist. Shamblin and Carrillo are clearly devoid of any reference to plowing snow. Conversely, Rank specifically teaches that use of an elongated flat blade is inappropriate or inefficient for snowplowing operations. *Rank* at col. 1, ll. 25-32. Even further, Rank teaches that a bottom of the snow plowing blade should be formed of a resilient material (*Rank* at col. 2, ll. 3-8), a feature in direct opposition to designs of Shamblin and Carrillo. Thus, not only is a requisite suggestion to modify the methods of Shamblin and Carrillo absent, Rank, in fact, teaches away from the proposed modification. For at least this additional reason, it is respectfully submitted that claim 17 is allowable over Shamblin in view of Carrillo and Rank.

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Claims 2, 3, 5-15, and 18 all depend from claim 17 and thus, for at least the reasons above, are also allowable. In addition, with respect to the rejection of claim 2 based on Brown, it is respectfully submitted that the metal blade 1 of Brown clearly does not have a generally planar back face. As described in Brown, the blade 1 is curved. It is unclear as to the basis for the Examiner's assertion that the blade of Brown is "only slightly curved," in view of the drawing of FIG. 4 and the corresponding description of Brown in which a relatively large curvature is desired. Thus, it is respectfully submitted that claim 2 recites additionally allowable subject matter over at least Brown.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2, 3, 5-15, 17, and 18 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 2, 3, 5-15, 17, and 18 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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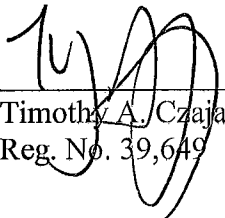
Respectfully submitted,

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